

July 23, 2004

The Honorable Donald Rumsfeld
Secretary
Department of Defense
The Pentagon
Washington, D.C. 20301-1000

Dear Mr. Secretary:

I am writing to express my dismay and disappointment about the Department of Defense report, dated July 7, 2004, on perchlorate contamination of Base Realignment and Closure (BRAC) sites. The report submitted to the Senate Appropriations Subcommittee on Defense is inadequate and unresponsive to congressional direction.

The reporting requirement, contained in Senate Report 108-82 and in Conference Report 108-342, directed the Defense Department to identify sources of perchlorate on BRAC properties and to develop a plan to remediate perchlorate contamination of BRAC sites that can be implemented rapidly once standards are set.

Not only does the report submitted to the Defense Subcommittee address only a fraction of the many contaminated BRAC sites, but it also ignores the Committee's express direction to develop a plan that can be implemented once perchlorate standards are set.

Perchlorate, a toxic byproduct of munitions production, is widespread on Defense Department installations and presents a potentially serious health hazard to the general population. Perchlorate has been found in drinking water supplies in 29 states. The intent of the Committee's language was to ensure that the Defense Department is poised to respond immediately to remediate perchlorate contamination on BRAC sites as soon as the Federal Government sets a drinking water standard for perchlorate.

This report assesses 14 BRAC sites. However, in December 2003, the General Accounting Office reported that the Services had identified 74 potentially contaminated BRAC sites. This is a

discrepancy that should either be explained or corrected. Furthermore, the DoD report provides no suggestion of an overall remediation approach or plan. It gives no details about the preliminary assessments that are being conducted to determine whether a site should be tested for perchlorate, and it does not include any detailed information about site assessments and actual planned remediation strategies. Under the Defense Environmental Restoration Program, established in 1986, the DOD is required to identify, investigate and clean up environmental contamination and other hazards at active and closing installations as well as at formerly used defense sites.

GAO made a number of recommendations to develop assessment strategies and remediation plans in its December 2003 report, "Military Munitions: DOD Needs to Develop a Comprehensive Approach for Cleaning Up Contaminated Sites" (GAO-04-147). It appears that the Defense Department has completely ignored these excellent recommendations.

Instead, this report makes clear that the Defense Department intends to continue to drag its feet until a Federal standard for perchlorate is adopted, wasting precious time and exposing millions of Americans to the hazardous effects of perchlorate contamination of water supplies. This is an irresponsible and unacceptable approach to a serious problem.

I urge you to revise this report to comply with the Committee's direction, and to resubmit it to the congressional defense committees, including the Senate Appropriations Subcommittee on Military Construction, without delay. The revised report should include, as requested by the Committee, a comprehensive plan to remediate perchlorate contamination on BRAC property and a complete and transparent inventory and evaluation criteria of sources and sites of perchlorate on BRAC property.

I also remind you that Senate Report 108-82 further directed the Defense Department to submit to the congressional defense committees a report on the activities of the Interagency Perchlorate Steering Committee of the Department of Defense. That report was due on December 31, 2003, and has yet to be delivered to Congress. I

renew my request to you to deliver this report to the committees, including the Military Construction Subcommittee, without further delay.

I thank you for your consideration of my concerns.

Sincerely,

Dianne Feinstein
United States Senator

cc:

Michael W. Wynne
Acting Under Secretary of Defense
The Honorable Ted Stevens
Chairman, Subcommittee on Defense Appropriations
The Honorable Daniel K. Inouye
Ranking Member, Subcommittee on Defense Appropriations
The Honorable Kay Bailey Hutchison
Chairman, Subcommittee on Military Construction Appropriations